

House Committee on Insurance

Minutes of Meeting
2020 First Extraordinary Session
June 16, 2020

I. CALL TO ORDER

Representative Chad Brown, chairman of the House Committee on Insurance, called the meeting to order at 9:08 a.m. in Room 3, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Chad Brown, chairman
Representative Edmond Jordan, vice chairman
Representative Mary DuBuisson
Representative Kathy Edmonston
Representative Michael "Gabe" Firment
Representative Lawrence "Larry" Frieman
Representative Kyle M. Green, Jr.
Representative Mike Huval
Representative John R. Illg, Jr.
Representative Sherman Q. Mack
Representative Danny McCormick
Representative Matthew Willard

MEMBERS ABSENT:

Representative Cedric B. Glover
Representative Paul Hollis

STAFF MEMBERS PRESENT:

Rashida Keith, attorney
Charlotte Cravins, attorney
Christie L. Russell, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 61 by Representative Frieman

Representative Frieman presented House Bill No. 61, which provides relative to surprise billing.

Ronnell Nolan, HAFA, P.O. Box 65128, Baton Rouge, LA 70896, spoke in support of House Bill No. 61.

Jeff Drozda, LAHP, 450 Laurel Street, Suite 1850, Baton Rouge, LA 70801, spoke in support of House Bill No. 61.

Berkley Durbin, Medicine Louisiana, P.O. Box 4501, Baton Rouge, LA 70895, spoke in opposition to House Bill No. 61.

Randy Pilgram, M.D., 200 Corporate Blvd., Lafayette, LA 70508, spoke in opposition to House Bill No. 61.

Jennifer McMann, Louisiana Hospital Association, spoke in opposition to House Bill No. 61.

Representative Frieman offered amendments to House Bill No. 61 which would: (1) Modify the title and the enacting clause to add new citations and descriptions of the bill; (2) Provide authorization and criteria for a noncontracted facility-based physician to file a written claim with a health insurance insurer for reimbursement of services; (3) Require the health insurance issuer to provide full or partial payment to the physician. Authorize physicians to pursue arbitration to dispute any eligible claims; (4) Require the Department of Insurance to select an organization to maintain a benchmarking database to contain information for calculating healthcare services and supplies in each parish of the state; (5) Require the Department of Insurance to establish an arbitration process to resolve a claims dispute between a facility-based physician and a health insurance issuer; (6) Require the Department of Insurance to promulgate and adopt rules to establish standards and procedures for certifying and selecting an arbitrator who is required to be impartial and free from certain conflicts of interests; (7) Require the physician and the health insurance issuer to try to resolve their dispute independently of the arbitrator. If the parties cannot reach resolution, the arbitrator is required to make a determination based on certain factors, including any final offers made between the physician and the issuer; (8) Authorize an arbitrator to receive a maximum fee of \$1,500 for an arbitration. Require both the physician and the issuer to share the arbitrator's fee equally; (9) Provide an effective date of January 1, 2022; however, the provisions related to the department's rulemaking regarding arbitration become effective on August 1, 2020. All rules must be promulgated and adopted by July 1, 2021; (10) Require the Department of Insurance to evaluate notice requirements surrounding balance and surprise billing to determine if any notice requirements become unnecessary due to implementation of the Act; and (11) Require the Department of Insurance to make any recommendations for repeal to both the House and Senate Committees on

Insurance by February 1, 2021. Representative Frieman offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Brown, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, and McCormick voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 13 in opposition, and 1 for information only. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

Respectfully submitted,

Chairman Chad Brown
House Committee on Insurance

Date adopted: April 22, 2021